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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

JULIE WELLBROCK, individually and as	)	Case No.: _____
conservator for the Estate of Luke Wellbrock,	)	
her minor son,	)	<b>NOTICE OF REMOVAL TO UNITED</b>
	)	<b>STATES DISTRICT COURT OF</b>
Plaintiffs,	)	<b>OREGON, PORTLAND DIVISION</b>
vs.	)	
	)	
AMERICAN FAMILY MUTUAL	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**TO: The Judge and Clerks of the United States District Court for the State of Oregon  
and to Plaintiffs Julie Wellbrock and the Estate of Luke Wellbrock, and their attorney,  
Gary G. Norris**

Defendant American Family Mutual Insurance Company (“American Family”) hereby  
gives notice that this action is removed to this Court from the Circuit Court of the State of  
Oregon in the County of Multnomah. Pursuant to 28 U.S.C. § 1441(b) and § 1446(a), the  
grounds for removal are as follows:

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### **PROCEDURAL POSTURE**

1. American Family is the defendant in a civil action filed on December 22, 2014, in the Circuit Court of the State of Oregon in the County of Multnomah, Case No. 14CV20039, entitled *Julie Wellbrook, individually and as conservator for the Estate of Luke Wellbrock, her minor son, v American Family Mutual Insurance Company*.

2. Service of the Summons and Complaint was made upon American Family on December 22, 2014 at Corporation Service Company, Registered Agent, 285 Liberty St. NE, Salem, OR 97301, and on December 23, 2014, by certified mail with return receipt signed by Sharon Walls for American Family.

3. The complaint is the initial pleading setting forth the claim upon which the action is based, and American Family first received a copy of it on December 22, 2014. Thirty (30) days after such first receipt of service by defendant has not yet expired. The Notice of Removal is therefore timely filed under 28 U.S.C. § 1441(b).

4. Attached to the Notice as Exhibit “A” are true and correct copies of all pleadings served upon American Family.

5. The amount in controversy is \$1,470,000.00.

6. This is a declaratory judgment action filed by an Oregon resident against a Wisconsin corporation.

### **DIVERSITY JURISDICTION EXISTS**

7. The action is a civil action which falls under this court’s original jurisdiction pursuant to 28 U.S.C. § 1332 (diversity of citizenship with an amount in controversy exceeding the required minimum), and is one which may be removed to this court by defendant pursuant to the provisions of 28 U.S.C. § 1441(b).

8. At all times material herein, plaintiffs and defendant were and are citizens of different states.

9. Venue of this removal action is proper pursuant to 28 U.S.C. § 1441(a) because this court is the United States District Court for the district embracing the place wherein the state court action was pending.

10. A copy of this Notice of Removal is being filed with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah pursuant to 28 U.S.C. § 1446(d).

11. American Family is providing written notice to plaintiff pursuant to 28 U.S.C. § 1446(d).

12. American Family reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, American Family hereby requests that this action now pending against it in the Circuit Court of the State of Oregon, County of Multnomah, be removed to this Court.

Dated this 20<sup>th</sup> day of January, 2015.

**MCKELVEY KOZUMA, P.C.**

s/Lowell P. McKelvey

By \_\_\_\_\_

Lowell P. McKelvey, OSB No. 993200

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S. Kenji Kozuma, OSB No. 954806

Email: kenji@mckelveykozuma.com

Attorneys for Defendant American Family  
Insurance Company

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true copy of the foregoing **NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT OF OREGON, PORTLAND DIVISION** on the following party, on the date noted below, via the following method:

Gary G. Norris  
Law Office of Gary G. Norris  
1006 NE 3<sup>rd</sup> Street  
Suite A  
McMinnville, OR 97128  
*Attorney for Plaintiff*

Method: ☒ US Mail, postage prepaid  
☐ Facsimile  
☐ Hand Delivery  
☐ Overnight Delivery  
☒ Email

DATED this 20<sup>th</sup> day of January, 2015.

**MCKELVEY KOZUMA, P.C.**

s/Lowell P. McKelvey

By \_\_\_\_\_  
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Attorneys for Defendant American Family  
Insurance Company